IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 5193 OF 2003

Smt. Rekha Mule ..... Petitioner.

versus

State of Maharashtra & Ors ..... Respondents.

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Shri A.V. Anturkar for the petitioner.
Shri S.R. Nargolkar AGP for the State.
Shri Girish R. Agarwal for Respondents 4 and 5.

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CORAM ; V.G.PALSHIKAR &
MRS. RANJANA DESAI, JJ.

DATED; 16TH AUGUST, 2004.

P.C.;

1. By this petition, the petitioner seeks a direction to the respondent State to determine the pension payable to the petitioner after taking into consideration her claim for grant of selection grade from the year 1997. The reply filed on behalf of the State is very clear and the State categorically admits the eligibility of the petitioner in para 1 of the affidavit dated 10-2-2004, which reads as under:

> " I state that in view of the Government Resolution dated 1st December, 1999, M.Ed. Degree is also taken into consideration,

instead of M.Sc. degree and, therefore, the Petitioner Smt. Rekha Mule is entitled to the benefits of the Selection Grade w.e.f. 4-6-1997."

2. In view of this categorical statement, we direct the respondent State to consider the question of eligibility fo the petitioner for grant of selection grade from 1997 in view of the aforesaid admission, as also the fixation of the pensionary benefits after the decision in that regard is taken. The State should undertake this exercise within three months from the date of receipt of this order. Petition accordingly disposed of.

3. Parties to act on an authenticated copy of this order.

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